IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 424 OF 2004

MRS. LENA BRAGANZA (DECEASED) AND ORS., ...Petitioners

Versus

MRS. LINDA BRAGANZA AND ORS. ....Respondents

Mr. Nitin Sardessai, Advocate for the petitioners.

Mr. S. D. Lotlikar, Senior Advocate with Miss K. Sambari, Advocate for the respondents No.1, 2 and 3.

Coram:- R. M. LODHA, J.

Date:- 25th August, 2005

P.C.

Heard Mr. Sardessai, learned Counsel for the petitioners.

2. Perused the copy of the order dated 5/3/2003 passed by the Civil Judge, Junior Division, Bicholim that was handed in during the course of the motion hearing by the learned Counsel for the petitioners though not annexed. I also perused the order of the appeal Court dated 14th May, 2004. The trial Court did not find any justifiable ground for appointment of Court Receiver in respect of the subject-property. For the reasons recorded in paragraph 12 of the order, the trial Court held that there was no need of appointing a receiver in the present case. The finding was recorded by the trial Court, of course prima facie, that the defendants were able to show that they were in possession and enjoyment of the suit properties.

3. The appeal Court did not find any justifiable ground to interfere with the order of the trial Court rejecting the petitioners' prayer for appointment of Court Receiver.

4. After having heard the learned Counsel for the petitioners and upon perusal of the two orders, I find no justifiable ground to take a different view. The concurrent orders passed by the two Courts below cannot be said to suffer from any error of jurisdiction.

5. The writ petition does not deserve to be entertained. Dismissed in limine.

R. M. LODHA, J.